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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,216	04/14/2004	Steven Kent Meier	2100.004700	6278
46290	7590	05/28/2008		
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042				
EXAMINER				
KANGARLOO, RAMTIN				
ART UNIT		PAPER NUMBER		
2619				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/824,216

**Applicant(s)**

MEIER ET AL.

**Examiner**

RAMTIN KANGARLOO

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/15/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicant's amendment filed on February 15, 2008 has been entered. Claims 1-8 and 11-22 are still pending in this application, with claim 1, 13 and 20 being independent and claim 9 and 10 being cancel.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 11-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Honkasalo et al. (US Patent No. 6101176).

Regarding **claim 1**, Honkasalo discloses a method of assigning code masks (See Fig. 15A, 944) for wireless communication in a system that supports transmission in multiple frequency ranges, comprising:  
generating a code mask (long code generator 944 in fig. 15A generating a code mask) for coding transmissions over a traffic channel based on at least one frequency differentiator ( fig. 15A, 920, 934, channel bits is a frequency differentiator that used to form and verify a channel of a wireless communication, See col.29 lines 66-67 and col.

30, line1 ) indicative of a first frequency range that is one of the multiple supported frequency ranges (See col.3, lines 55-60, analyze and select frequency range), at least one band class differentiator indicative of a band class (See paragraph 15, line 43 and paragraph 2, lines 33-41, wireless communication link formed for PCS band, Fig.15A, code symbol between 938 and 936 ) , and at least one traffic channel differentiator (Fig. 15A, Walsh function 950, 930, 916, Walsh function is traffic channel differentiator) indicative of a traffic channel;  
and transmitting a message indicative of the generated code mask from a base station (Fig. 14, 702, outdoor base station) assigning the traffic channel to a mobile unit (See col.26, lines 60-65, base station 702 assigning the traffic channel to mobile unit 706).

Regarding **claim 2**, Honkasalo discloses the method of claim 1, wherein the traffic channel differentiator comprises a Walsh code assigned to the traffic channel (Walsh function 950 in Fig. 15A, assign to traffic channel)

Regarding **claim 3**, Honkasalo discloses the method of claim 1, wherein the frequency differentiator comprises a channel number indicative of the first frequency range that is one of the multiple supported frequency ranges (fig. 15A, 920, 934, channel bits is a frequency differentiator that used to form and verify a channel of a wireless communication, See col.29 lines 66-67 and col. 30, line1).

Regarding **claim 4**, Honkasalo discloses the method of claim 1, wherein the band class differentiator comprises a band class number (See paragraph 15, line 43 and paragraph 2, lines 33-41, wireless communication link formed for PCS band, Fig.15A, code symbol between 938 and 936) .

Regarding **claim 5**, Honkasalo discloses the method of claim 1, wherein generating the code mask comprises combining the frequency differentiator (Fig.15A, 934), the band class differentiator (Fig.15A, code symbol), and the traffic channel differentiator (Fig.15A, 928)

Regarding **claim 6**, Honkasalo discloses the method of claim 5, wherein combining the frequency differentiator, the band class differentiator, and the traffic channel differentiator comprises concatenating the frequency differentiator (Fig.15A, 934), the band class differentiator (Fig.15A, code symbol), and the traffic channel differentiator (Fig.15A, 928) in a desired order (Fig.15A, frequency differentiator, band class differentiator and traffic channel differentiator linked together.)

Regarding **claim 7**, Honkasalo discloses the method of claim 6, wherein concatenating the frequency differentiator (Fig.15A, 934), the band class differentiator (Fig.15A, code symbol), and the traffic channel differentiator (Fig.15A, 928) comprises arranging one or more strings of bits in a discontinuous manner (Fig.15A, frequency differentiator, band class differentiator and traffic channel differentiator arranging lines of

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bits.)

Regarding **claim 8**, Honkasalo discloses the method of claim 5, wherein combining the frequency differentiator, the band class differentiator, and the traffic channel differentiator comprises at least one of multiplexing (Fig.12, 532), encoding, permutating, and functionally manipulating at least a portion of at least one of the frequency differentiator (Fig.15A, 934), the band class differentiator (Fig.15A, code symbol), and the traffic channel differentiator (Fig.12, frequency differentiator, in fig.12 multiplexing used to merge frequency differentiator, band class differentiator and traffic channel differentiator )

Regarding **claim 11**, Honkasalo discloses the method of claim 1, further comprising delaying re-assignment of the traffic channel indicator until (See Fig.15A, 920) substantially after a predetermined time (See col. 1, lines 62-66).

Regarding **claim 12**, Honkasalo discloses the method of claim 11, wherein delaying re-assignment of the traffic channel indicator until substantially after the predetermined time comprises delaying re-assignment of the traffic channel indicator until substantially after a guard timer expires (See col.1, lines 62-66).

Regarding **claim 13**, Honkasalo discloses a method of assigning code masks (Fig. 15B, 970) for wireless communication in a system that supports inter-frequency

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handoffs between multiple frequency ranges (See col.9, lines 56-60, handoff between channels), comprising:

receiving an indication that an inter-frequency handoff from a first frequency range to a second frequency range (See col. 3, lines 55-57, first and second frequency range) is to be initiated for a mobile unit (See col. 9, lines 56-60, handoff between channels) that is assigned a first code mask (Fig.15A, 944) formed based on at least one frequency differentiator ( fig. 15A, 920, 934, channel bits is a frequency differentiator) indicative of the first frequency range;

generating, in response to receiving the indication, a second code mask (Fig.15B, 970) for coding transmissions over a traffic channel based on at least one frequency differentiator (Fig. 15A, 934) indicative of the second frequency range ( fig. 15A, 920, 934, channel bits is a frequency differentiator that used to form and verify a channel of a wireless communication, See col.29 lines 66-67 and col. 30, line1 ), at least one band class differentiator indicative of a band class (See paragraph 15, line 43 and paragraph 2, lines 33-41, wireless communication link formed for PCS band, Fig.15A, code symbol between 938 and 936 ), and at least one traffic channel differentiator indicative of a traffic channel (Fig. 15A, Walsh function 950, 930, 916, Walsh function is traffic channel differentiator);

performing the inter-frequency handoff from the first frequency to the second frequency (See col. 9, lines 56-61); and transmitting the second code mask (See fig.15B, 970) to the mobile unit (Fig.14, 706) .

Regarding **claim 14**, Honkasalo discloses the method of claim 13, wherein transmitting the second code mask comprises transmitting the second code mask (Fig.15B, 970) substantially after performing the inter- frequency handoff from the first frequency range to the second frequency range (See col.9, lines 56-60).

Regarding **claim 15**, Honkasalo discloses the method of claim 13, wherein transmitting the second code mask comprises transmitting the second code mask (Fig.15B, 970) during the inter-frequency handoff from the first frequency range to the second frequency range (See col.9, lines 56-60).

Regarding **claim 16**, Honkasalo discloses the method of claim 13, wherein receiving the indication comprises receiving an indication transmitted from a mobile unit (Fig.14A, 720) to a base station (fig.14, 704, mobile unit 720 transmits to base station 704).

Regarding **claim 17**, Honkasalo discloses the method of claim 13, wherein the traffic channel differentiator comprises a Walsh code assigned to the traffic channel (Walsh function 950 in Fig. 15A, assign to traffic channel), the frequency differentiator comprises a channel number indicative of the second frequency range ( fig. 15A, 920, 934, channel bits is a frequency differentiator that used to form and verify a channel of a wireless communication, See col.29 lines 66-67 and col. 30, line1 ), and the band class differentiator comprises a band class number(See paragraph 15, line 43 and



paragraph 2, lines 33-41, wireless communication link formed for PCS band) .

Regarding **Claim 18**, Honkasalo discloses the method of claim 13, wherein generating the second code mask (See Fig.15B, 970) comprises combining the frequency differentiator (Fig.15B, 954), the band class differentiator(See paragraph 15, line 43 and paragraph 2, lines 33-41, wireless communication link formed for PCS band) , and the traffic channel differentiator (Fig. 15B, 982).

Regarding **Claim 19**, Honkasalo discloses the method of claim 13, further comprising assigning the traffic channel (See Fig.15A, 920) indicator to a new wireless communication link substantially after a predetermined time (See col. 1, lines 62-66).

Regarding **Claim 20**, Honkasalo discloses a method of wireless communication using code masks (See Fig. 15B, 970) in a system that supports transmission in multiple frequency ranges (see col. 3, lines 55-60), comprising:  
receiving a code mask for coding transmissions over a traffic channel based on at least one frequency differentiator indicative of a first frequency range ( fig. 15A, 920, 934, channel bits is a frequency differentiator that used to form and verify a channel of a wireless communication, See col.29 lines 66-67 and col. 30, line1 ) selected from the multiple supported frequency ranges, at least one band class differentiator indicative of a band class (See paragraph 15, line 43 and paragraph 2, lines 33-41, wireless communication link formed for PCS band, Fig.15A, code symbol between 938 and 936)

, and at least one traffic channel differentiator indicative of a traffic channel (Fig. 15B, Walsh function 982, Walsh function is traffic channel differentiator); and transmitting over the traffic channel using the received code mask (transmitting over traffic channel using code mask 970 in Fig. 15B).

Regarding **Claim 21**, Honkasalo discloses the method of claim 20, wherein receiving the code mask comprises receiving the code mask (See fig.15A, 944) substantially during or after an inter-frequency handoff (See col. 9, lines 56-60).

Regarding **Claim 22**, Honkasalo discloses the method of claim 21, wherein receiving the code mask comprises receiving a code mask (Fig.15B, 968) that is different than a previous code mask (Fig. 15A, 944) used substantially before or during the inter-frequency handoff (See col. 9, lines 56-60).

### **Response to Amendment**

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMTIN KANGARLOO whose telephone number is (571)270-3452. The examiner can normally be reached on Mon to Fri 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571) 272- 3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/RAMTIN KANGARLOO/

Examiner, Art Unit 2619

May 21, 2008

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2619